



June 1998

DEVELOPMENT OF AMENDMENTS TO 326 IAC 5-1, OPACITY LIMITATIONS LSA Document #98-69

FACT SHEET

Overview

The Indiana Department of Environmental Management (IDEM) has developed draft rule language for amendments to 326 IAC 5-1, Opacity limitations. These amendments address temporary exemptions for the start up and shut down of boilers and various other changes related to time periods for temporary exemptions, alternative opacity limits, and conflicts between visible emission readings and opacity monitor data.

Citations Affected

Amends:

326 IAC 5-1-1	326 IAC 5-1-2
326 IAC 5-1-3	326 IAC 5-1-4
326 IAC 5-1-5	326 IAC 5-1-7

Affected Persons

Large, coal-fired utility boilers
Large industrial boilers combusting coal;
wood; and #4, #5, or #6 fuel oil

Potential Cost

Low because most of the changes are clarifications and any additional cost would only affect those sources requesting alternative limits that may be required to install additional monitoring equipment.

Description

The primary purpose of this rulemaking is to address the provisions of Indiana's opacity

rule that allow exemptions for the start up and shut down of operations. IDEM proposes several other changes to the rule as well, to address either issues raised by the U.S. EPA or other appropriate changes.

Indiana's opacity rule, 326 IAC 5, establishes requirements for visible emissions (opacity) from sources in Indiana. The article applies statewide, although there are specific additional opacity requirements for certain counties.

Section 3 of 326 IAC 5-1 sets forth the temporary exemptions from the opacity requirements. These temporary exemptions are applicable during start up and shut down of boilers and certain boiler maintenance activities. The rule requires that emissions in excess of the applicable opacity standard during start up and shut down of a boiler shall not continue for more than twelve continuous minutes on one occasion in a twenty-four hour period. This time period is generally unrealistic for utility and other types of large industrial boilers, which need a longer period of time to stabilize the boilers and to bring the pollution control equipment on-line gradually so that it can function properly. The department proposes to amend this rule to provide more realistic conditions for temporary exemptions during start up and shut down. This would be accomplished in two ways. A new subsection (e) will be available for those sources that already have startup/shutdown conditions in state permits that were based on previous opacity rules. For

those sources without previous permit conditions subsection (d) allows a company to petition for temporary exemptions that are of longer duration and greater opacity than what is currently allowed and would be based on site-specific information. Any temporary exemption granted in accordance with subsection (d) would have to be submitted to the U.S. EPA as a revision to the Indiana state implementation plan (SIP). Once the temporary exemptions are approved by the U.S. EPA, terms and conditions for the temporary exemptions will be included in the sources' operating permit. The department is also amending the language within 326 IAC 5-1-3(a) and (b) to clarify that the timeframes identified for the temporary exemptions from the opacity limits should be expressed as averaging periods that are the basis for measuring opacity and to clarify the number of deviations allowed during a specific time period.

Section 4 of 326 IAC 5-1 sets forth the methods and procedures that are to be used when determining compliance with the opacity limitations in 326 IAC 5-1. Subsection (b) of section 4 addresses situations in which a continuous emissions monitor system (COMS) and visible emission (VE) observations are inconsistent. The current rule requires that the COMS readings take precedent over VE readings. The department has received comments from the U.S. EPA concerning situations where a COMS would not be as reliable as the VE readings due to the type of operation and nature of the pollutants being emitted. To address these concerns, the department is proposing to amend the rule to allow the department to initiate an enforcement action based on the visible emissions reading in situations where there is a conflict between the visible emissions readings and COMS data. Additional language has been added to allow IDEM to request an audit of the monitoring system before initiating the enforcement action.

Section 5 of 326 IAC 5-1 addresses violations of opacity limits and related mass emissions limits and includes provisions for the establishment of an alternative opacity limit.

Currently the establishment of an alternative opacity limit is based on a single performance test and a single VE test. The department believes that the establishment of an alternative opacity limit based on a single test may not account for variations either in the process performance or meteorological conditions and basing the alternative opacity limit on a series of three tests would account for these types of variations.

Consideration of factors outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account:

- 1) all existing physical conditions and the character of the area affected;
- 2) past, present, and probable future uses of the area, including the character of the uses of surrounding areas;
- 3) zoning classifications;
- 4) the nature of the existing air quality or existing water quality as the case may be;
- 5) technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality; and
- 6) economic reasonableness of measuring or reducing any particular type of pollution.

The board shall also take into account the right of all persons to an environment sufficiently uncontaminated as not to be injurious to human, plant, animal, or aquatic life or to the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The amendments to rules at 326 IAC 5-1 are consistent with federal requirements and guidance.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Roger Letterman, Rules Development Section, Office of Air Management, (317) 232-8342 or (800) 451-6027, ext. 2-8342 (in Indiana).